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FM AMEMBASSY SARAJEVO
TO RUEHC/SECSTATE WASHDC PRIORITY 5584
INFO RUEHZL/EUROPEAN POLITICAL COLLECTIVE PRIORITY
RUEATRS/DEPT OF TREASURY WASHINGTON DC PRIORITY
RUEAUSA/DEPT OF LABOR WASHDC PRIORITY
RUEAHLA/DEPT OF HOMELAND SECURITY WASHINGTON DC PRIORITY
RUEAWJA/DEPT OF JUSTICE WASHINGTON DC PRIORITY

UNCLAS SECTION 01 OF 10 SARAJEVO 000487

SIPDIS

SIPDIS

DEPT FOR G/TIP (DONNELLY), G, INL, DRL, PRM, EUR/PGI,
EUR/SCE

E.O. 12958: N/A

TAGS: [ASEC](#) [ELAB](#) [KCRM](#) [KFRD](#) [KWMN](#) [PGOV](#) [PHUM](#) [PREF](#) [SMIG](#)

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SUBJECT: BOSNIA: SUBMISSION FOR 2007 TIP REPORT

REF: 06 STATE 202745

1. (U) Summary: This cable constitutes Post's submission for the 2007 TIP report for Bosnia and Herzegovina (BiH). Post's point of contact for trafficking issues is Poloff Danielle Harms, phone 387-33-445-700 x2312, fax 387-33-659-722, e-mail HarmsDA@state.gov. Time spent in preparing report: CDA (FS-01): 2 hours; Poloff (FS-04): 35 hours; Pol FSN (FSN-08): 30 hours; DOJ Resident Legal Advisor: 2 hours; DOJ FSN: 2 hours; USAID Program Director: 2 hours. End Summary.

OVERVIEW:

2. (SBU) Question 27A: The country was a destination, transit point, and, to a greater extent, country of origin for women and girls trafficked for sexual exploitation. To date, there have been no registered cases of males trafficked for sexual exploitation, although there are reports that Romani children, including boys, have been trafficked for forced labor to serve in begging rings.

There were no reliable estimates on the number of victims trafficked during the year as police raids forced trafficking further underground, increasing the difficulty of estimating the scope of the problem. Estimates from NGOs, specifically shelters, are also unreliable because they often do not differentiate between clients who are victims of TIP and those who are victims of domestic violence. NGO shelters often compete against each other for donor funding and use statistics to bolster their own image. During the year the Office of the State Antitrafficking Coordinator (located within the Ministry of Security) registered 56 new trafficking victims from within its referral mechanism. The State Coordinator oversees the government's TIP database, which compiles information from NGOs, the State Border Service (SBS), local, entity- and state-level police agencies, and prosecutors' offices. NGOs assisted 83 persons total with the IOM assisting 55 victims, 25 of whom were repatriated. Of these 55, 25 were Bosnian citizens, and almost half of all victims (23 persons) were minors, 14 of whom were Bosnians.

The majority of women trafficked to the country came from Serbia, Ukraine, Moldova, Romania, and Russia. While no reliable estimates were available, a significant number may have been trafficked on to Western Europe. According to the International Organization for Migration (IOM), most victims were lured by false job offers, such as advertisement offering work in Italy or Germany as dancers, waitresses, and

domestic servants. Some NGOs reported that trafficking victims were increasingly lured into the country by promises of marriage to traffickers or their associates, while others knowingly entered into false marriages to obtain work and residence permits. Most trafficked women entered the country through Serbia and Montenegro. Those who transited the country generally continued on via Croatia. The IOM reported Bosnian victims in other parts of Europe and local NGOs observed a dramatic increase of Bosnian victims within the country.

Trafficking also occurs within the country, particularly of domestic victims. The most common age group for recruitment for trafficking for sexual exploitation is women between 18 and 25 years old, although there are also a number of underage victims, some as young as 13. The majority of minor victims are Roma, but young victims from all socio-economic and geographic areas are targets. Among domestic victims, women and teenage girls who were Romani, had mild developmental disabilities, lived in returnee areas, were orphans and/or were single mothers or came from female-headed households were more likely to be recruited. For most domestic victims, poverty was a contributing factor.

13. (SBU) Question 27B: Police agencies have observed a decrease in the number of foreign TIP victims entering or transiting BiH, such that now the number of foreign victims equals the number of domestic victims. Police and NGOs have observed a dramatic increase in domestic victims, a possible indicator that official efforts to interdict and prevent cross-border trafficking have both increased internal trafficking and helped drive the crime underground to the local level. In response to police pressure, the criminal modality linked to sexual exploitation within BiH has shifted from "night bars" and restaurants, cafes and gas stations to

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private apartments and houses. Traffickers are increasingly sending women on outcalls or bringing would-be clients to safe-houses. The use of intermediaries, including taxi drivers, bar operators, pensioners at cafes or others to tip-off or bring clients to a location where victims are held is also on the rise.

Traffickers in BiH are generally part of local criminal organizations that are loosely tied to each other and to similar organizations in other countries, especially in neighboring Croatia, Serbia and Montenegro. Recruitment methods vary, but can include job offers in Western Europe, false marriages to traffickers' associates to obtain residency permits and jobs, and girls being sold by their parents. Traffickers also attract customers via classified ads in a wide range of publications and through radio announcements soliciting women with driver's licenses to contact a certain number. There has also been an increase in reports of traffickers slipping "date-rape drugs" in drinks at bars and cafes to kidnap and then forcibly "recruit" women into trafficking. Because of high unemployment rates, employers also successfully target women working in unregistered jobs on the black market, forcing them to perform sexual acts at the risk of losing their jobs. There have also been increased reports of traffickers in returnee areas targeting young orphan girls and manipulating identification cards to pose as their relatives.

Many foreign victims arrive in BiH via legal border crossings with Serbia and Montenegro and carry real or false identity cards. Similarly, domestic victims being moved to Croatia usually travel on their real identity cards. Passports are not required for BiH citizens to enter either Serbia, Montenegro or Croatia (and vice versa for citizens of those countries), which provides for ease of transit. There have also been NGO reports of domestic victims being trafficked to Iraq via Turkey. The Bosnian authorities recognize the importance of anti-TIP efforts and are sincerely and vigorously engaged on this issue. Lack of political will is

generally not a problem, although funding constraints sometimes hamper anti-TIP efforts.

There are several reports of victims working in conditions akin to slavery, with little or no financial support. In some cases, traffickers paid victims some wages so that they could send money home to their families. Traffickers coerced victims to remain in these situations through intimidation, verbal threats, seizure of passports, withholding of food and medical care, and physical and sexual assault. To keep victims in the country legally, traffickers also made victims apply for asylum since, as asylum seekers, they were entitled to remain in the country until their claims could be adjudicated.

14. (SBU) Question 27C: The government's ability to address TIP is limited in practice by lack of funding. This is due in part to Bosnia's unique and complex political structure, and to the process for allocating tax revenues to various levels of government. Personnel at state-level police agencies (SIPA, SBS) are generally better funded and more well-equipped than entity police. Police salaries in the RS are particularly low, increasing the probability of bribe-taking and other forms of corruption. In part due to uncertainty about police restructuring, which should result in the creation of a single police force, SIPA and other agencies are not fully staffed. Official corruption remains a problem and does not appear to be improving. For example, for the second year in a row, BiH scored 2.9 out of 10 (down from 3.1 in 2004) on Transparency International's 2006 Corruption Perception Index. Although funds are still extremely limited, in the 2006 budget the state government allocated \$60,559 (100,000 KM) for the State Coordinator's Office to support shelters providing victim assistance. This was an increase from \$42,398 (70,000 KM) for the State Coordinator and \$18,171 (30,000 KM) for shelters in 2005. Budget figures for 2007 are not yet available but should parallel 2006 amounts.

15. (SBU) Question 27D: The government monitors anti-trafficking efforts in a number of ways. The Antitrafficking Strike Force, which meets once a month and includes police and prosecutors from all agencies and entities, monitors the progress of TIP investigations and prosecutions and reports to the State Coordinator. There is also a working group with NGOs and international community

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representatives, chaired by the State Coordinator, which assesses prevention and protection issues. There are also a number of thematic working groups on specific areas of concern, including trafficking of children. The State Coordinator publishes a quarterly newsletter that is sent out via e-mail to NGOs and other stakeholders. The State Coordinator also publishes (in print and electronic versions) its Annual Report on trafficking, which includes data gathered from prosecutors, NGOs and police agencies throughout BiH. In 2006 the State Coordinator's Office unveiled its new antitrafficking website at www.antitrafficking.gov.ba.

PREVENTION:

16. (SBU) Question 28A: Yes, the Bosnian government acknowledges that TIP is a problem and makes significant efforts to combat TIP in BiH.

17. (SBU) Question 28B: The Office of the State Coordinator within the Ministry of Security (MOS) has the lead role in anti-TIP efforts. The following governmental bodies are also involved: at the state level, the Ministry of Human Rights and Refugees, the State Investigation and Protection Agency (SIPA), the State Border Service (SBS), the Ministry of Justice, the Ministry for Foreign Affairs, and the Ministry of Civil Affairs. At the entity level, the Ministries of

Interior (MUPs), Ministries of Health, Ministries of Labor and Social Welfare and Ministries of Education. Prosecutors at the state, entity and local levels are also involved.

18. (SBU) Question 28C: Yes, there have been government-run anti-TIP awareness campaigns. The State Coordinator partnered with the International Organization for Migration (IOM) to run a major national public awareness campaign, which included leaflets, billboards, TV PSAs and a 30-minute documentary aired on public and private TV channels. The IOM campaign targeted both potential consumers and victims, including children between 12 and 19 years old. The State Coordinator assisted in developing and approving educational materials for schoolchildren throughout BiH, in cooperation with USAID and the entity Ministries of Education. The State Coordinator has also participated in a number of local public awareness campaign conducted by NGOs, and spoke to groups of mayors, local police, social workers and municipal court judges as part of a local capacity building program implemented by World Learning and partially funded by the BiH government. The State Coordinator collaborated with the Council of Roma and La Strada to bring attention to the issue of child begging and/or forced labor by Romani children. The State Coordinator's Office has also partnered with the Swedish International Development Agency (SIDA) to produce a TIP training manual for judges, prosecutors, police and academics and the Stockholm Police Academy has offered to participate with BiH in a police exchange program to train Bosnian police to combat TIP in accordance with European standards.

19. (SBU) Question 28D: The State Coordinator works in partnership with the entity-level Ministries of Education, Health and Social Welfare, which provide a number of services that address the causes of trafficking. Ministries of Social Welfare and local governments are responsible for implementing a wide range of programs addressing issues like drug and alcohol abuse and domestic violence. There are a number of programs funded by USAID and other international donors, with Bosnian government participation, that assist women to start their own small businesses or increase their agricultural production. OSCE conducted a campaign to encourage Romani parents to register their children for birth certificates and to enroll them in primary school. Attendance in school is mandatory until age 15 and is generally enforced by the government.

10. (SBU) Question 28E: Local NGOs and international organizations working on TIP characterize the relationship between civil society and the State Coordinator as excellent and extremely cooperative. Local NGOs were consulted extensively and had a major role in developing both the 3-year National Action Plan and the Action Plan for 2007. The substantive comments of NGOs are also incorporated into newly developed legislation and implementing regulations. The State Coordinator meets regularly with the international community, donors and local NGOs in a working group to seek their input

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and inform them of the progress achieved to date in implementing the National Action Plan. Additionally, regional working groups lead by the OSCE in Mostar, central BiH, Banja Luka and Bijeljina provided an opportunity to share information between all relevant authorities and strengthen the capacities of local anti-trafficking actors.

11. (SBU) Question 28F: Yes, the government of BiH, through the State Border Service, monitors immigration/emigration patterns for evidence of TIP. Virtually all SBS officers at border crossings and airports have received training on the detection and identification of potential TIP victims and screen for potential victims along the border. Additionally, border crossings serve as an area for trafficking awareness programs. For example, there are several anti-trafficking posters providing warnings against trafficking methods and hotline numbers for those who may be victims in plain view at

the Sarajevo International Airport. The SBS shares their data on immigration and emigration at the Strike Force meetings. The State Coordinator's mandate also includes alien smuggling and illegal immigration. During the year there was an increase in cases involving alien smuggling into and through BiH. The government, in addition to anti-trafficking measures, is actively providing training programs to specifically counter this trend. One Herzegovinian NGO has joined with police forces to monitor activity on the Croatian border through a 24-hour hotline and by opening a public forum on a website that will help respond to public questions and track suspicious activity on the border. During the year the SBS implemented standard operating procedures that, according to SBS statistics, prevented 96.8 percent more illegal border crossings than in 2005, but cited that there are still areas where the border with neighboring countries has not been clearly defined and therefore cannot be controlled. In addition, the lack of funding, lack of specialized equipment and unfavorable working conditions limited border policing efforts. During the year BiH signed the Convention on Police Cooperation in Southeast Europe, which will allow for cross-border surveillance and hot pursuit into neighboring countries.

¶12. (SBU) Question 28G: Please see question 27D above. The primary coordination and communication mechanisms are the TIP Strike Force, the State Coordinator's thematic working groups, and the larger TIP working group that includes NGO and IO representatives. Generally, the State Coordinator's office is the point of contact for all these mechanisms. The State Coordinator meets regularly with NGOs to share information and discuss anti-TIP activities. The government does not have a public corruption task force. However, SIPA has units that focus on organized crime and financial crimes, and the entity Police Standards Units (PSUs) investigate and file charges in cases of corruption or abuse of office by police personnel.

¶13. (SBU) Question 28H: Yes, the government has both a 3-year National Action Plan (covering 2005-2007) and an Action Plan for 2007. The government will create a new action plan for the next three years at the end of 2007. The 2007 Action Plan includes provisions for a referral mechanism for domestic victims and was delivered to the Council of Ministers (COM) in December, 2006. The plan has not received final approval, however, because of delays with government formation following the October 2006 national elections. Now that government formation is complete, the COM plans to review the plan in the near future and the State Coordinator's Office anticipates full approval. Prior to finalization, the plan was sent for comment electronically and by mail to all major NGOs and government agencies engaged in anti-TIP efforts. Other government agencies who participated in the development of the plans included the Ministries of Human Rights and Refugees, Justice, Foreign Affairs, and Civil Affairs, as well as state- and entity-level police and prosecutors.

INVESTIGATION AND PROSECUTION OF TRAFFICKERS:

¶14. (SBU) Question 29A: Article 186 of the BiH Criminal Code prohibits trafficking for sexual exploitation, forced labor and organ transplantation. Article 186 covers the "recruitment, transfer, harboring or receipt" of trafficked persons, making it applicable to both transnational and internal trafficking. Article 187 of the BiH Criminal Code prohibits international procurement for prostitution, and

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provides prosecutors with another option in pursuing international traffickers. If the evidence is not sufficient to support prosecution under Articles 186 and 187, traffickers may also be prosecuted at the state level for slavery (Article 185, which also prohibits selling children for adoption), unlawful withholding of identity papers

(Article 188) and alien smuggling (Article 189). The Federation and RS Criminal Codes also prohibit trafficking and related crimes. Pimping is a major crime (equivalent to a felony) under both state- and entity-level criminal codes. A number of traffickers have been prosecuted for pimping and pandering where the evidence was not sufficient to support an indictment for trafficking. Taken together, these laws adequately cover the full scope of trafficking in persons. In addition to criminal penalties, some NGOs are assisting victims in filing civil compensation claims for medical bills, pain and suffering, lost wages, etc. At this time, BiH's criminal asset forfeiture law requires proof that all items being seized were acquired with the proceeds of illegal activity. In practice, this standard is difficult to meet and can easily be defended by traffickers, so criminal asset forfeiture has not been widely used in TIP or other organized crime cases, although there was an increase in its use during the reporting period. The Bosnian criminal law system includes four different penal codes, thereby hindering trafficking prosecutions because courts are often confused as to which law, i.e. state versus entity, to apply.

¶15. (SBU) Question 29B: The maximum penalty for any trafficking offense under Article 186 is ten years' imprisonment; defendants may be sentenced to a total of 15 years if certain aggravating circumstances are present.

¶16. (SBU) Question 29C: Bosnian law does not differentiate between trafficking for sexual purposes and trafficking for labor.

¶17. (SBU) Question 29D: The maximum penalty for rape is 15 years, with aggravating circumstances. Rape penalties parallel the penalties for trafficking offenses in that to receive the maximum sentence (15 years for both) aggravating circumstances must be present.

¶18. (SBU) Question 29E: Prostitution is illegal in BiH. Prostitutes can be prosecuted for their activities as a minor (misdemeanor) offense in the Federation and Brcko District, which is usually punishable by a fine. Clients can also be prosecuted, but this very rarely occurs. In the RS, engaging in prostitution itself is not a crime. Pimping and pandering are major (felony) offenses and are frequently used to prosecute brothel owners and some traffickers. The maximum penalty for pimping is 15 years' imprisonment if the victim is a minor; ten years if the victim is an adult. In 2006, the Federation passed a law authorizing "sellers of love" to register as professionals, which would require them to pay social insurance contributions and would permit them to apply for unemployment benefits. However, as prostitution is still illegal in the Federation (and there are no plans to legalize it), it is highly unlikely that anyone will register.

¶19. (SBU) Question 29F: The BiH State Prosecutor's office has exclusive jurisdiction over trafficking cases and can decide which cases to prosecute at the state level and which to send to the entity courts. The nationwide interagency investigative task force to combat trafficking, the antitrafficking strike force, was chaired by the chief state prosecutor and included prosecutors, police, and financial investigators and targeted trafficking and illegal migration. There were two major strike force investigations that resulted in indictments during the year.

The government provided the following case statistics through its TIP database, maintained by SIPA. This database contains information contributed by all police agencies, NGOs and prosecutors. TIP data is also harmonized and reported in the State Coordinator's annual report. The State Coordinator reported 56 registered TIP victims during 2006, although he noted that there are likely to be many more victims who do not come to the attention of the authorities. Figures were not yet available from the State Prosecutor's Office and State Court, but they should become available soon. According to SIPA's 2006 TIP report, there were 50 TIP cases at SIPA headquarters during the year, 25 of which were ongoing investigations, and 82 ongoing investigations in SIPA's

regional offices throughout BiH.

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In February 2006, the strike force raided three well-known "night bars" in central Bosnia, resulting in four arrests and the filing of criminal charges against 11 people suspected of involvement in trafficking. In April, the State Court sentenced Nermin Cupina from Mostar, the first defendant in a major trafficking case from Herzegovina, to eight years in prison for trafficking and six years in prison for money laundering. This was the longest sentence ever imposed in a BiH TIP case. The judge also ordered seizure of Cupina's apartment and payment of compensation in the amount of \$62,500 (93,750 KM), the value of proceeds believed to have been earned through trafficking during 2002 and 2003. These fines were paid into a fund from which victims can submit compensation claims. Igor Salcin, the second defendant in the same case, agreed to a plea bargain in February and was convicted to five and a half years of imprisonment. Predrag Leventic, the third defendant, was acquitted for lack of evidence. Between January 1 and December 31, 2006 there were six trafficking in persons cases before courts in the RS and 23 in the Federation.

120. (SBU) Question 29G: Most traffickers in BiH are believed to be part of small, local criminal groups with loose connections to other groups within BiH and in neighboring countries. A handful of traffickers have wider connections to organized crime figures in the region and beyond, including in major source countries. There is also evidence that some traffickers may be Diaspora Bosnians orchestrating their crimes from abroad. There is some evidence that traffickers have used false employment agencies (run by their associates) to assist them in recruitment. However, many traffickers who used classified job ads as a recruitment method generally bypassed employment and travel agencies and made arrangements directly with their victims. Due to tighter banking regulations and oversight, it is now difficult for traffickers to deposit proceeds of illegal activity in Bosnian or regional banks. Most of the profits are used to buy real estate, new cars, and other consumer goods, with real estate investment being a growing trend. Some profits may be laundered through legitimate cash-intensive businesses like restaurants, cafes and bars. It is unclear whether local traffickers use proceeds to finance terrorist organizations, but some NGOs claim that they have seen an increase in traffickers coming from Wahhabi Islam communities where women are already on the margins of society and are easy targets for forced exploitation. (See question 30C) Police tracking of cellular calls and even "pay as you go" phone cards has stymied many trafficking communication networks. Efforts are also underway to regulate all phone cards issued in BiH so that they are traceable. Although there are reports of isolated instances of official involvement in trafficking, the government maintains that there have been no convictions in this area.

121. (SBU) Question 29H: Yes, the government actively investigates TIP cases, and has increasingly used active investigative techniques, including surveillance and undercover operatives. During the reporting period, the TIP Strike Force executed 2 major raids. The BiH Criminal Procedure Code permits the following special investigative techniques: surveillance and recording of telecommunications, access to computer systems, surveillance and recording of premises, covert following and recording of individuals and objects, use of undercover investigators and informants, simulated purchase of certain objects and simulated bribery, and supervised transport and delivery of illegal objects. Use of any of these techniques requires judicial authorization. All the listed techniques were utilized except electronic surveillance, for which police agencies still lack the necessary equipment. The European Commission, however, is financing an electronic surveillance system and Bosnian authorities (it will be a common system for use by all law

enforcement agencies) will soon have this capability. The Criminal Procedure Code also authorizes plea bargains or immunity for cooperating suspects. Mitigated punishment via plea bargain was successfully used by State Prosecutors in order to secure convictions against co-defendants under trafficking statutes.

¶22. (SBU) Question 29I: Yes, the government provides specialized training for government officials on recognition, investigation and prosecution of trafficking. During the reporting period, the State Coordinator's Office provided several seminars for police, prosecutors and judges as well

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as a two-week multi-agency training for NGOs, OSCE and other antitrafficking actors in BiH. The State Coordinator also trained SBS personnel in trafficking detection and victim screening, interviewing and identification. Between July of 2006 and March 2007 the State Coordinator's Office also held six trainings sessions for social workers, healthcare workers and police on victim assistance. The Ministry for Human Rights and Refugees also began a series of clinical training programs using active TIP cases and victims to train government practitioners from the Ministries of Health, Education and Civil Affairs. A number of primary and secondary school teachers were trained to teach the new anti-TIP curriculum for students aged 11-18, and to train their fellow teachers. The State Coordinator also continued to provide training to social workers from the Centers for Social Welfare, especially regarding the treatment of minor victims.

¶23. (SBU) Question 29J: Yes, BiH has active cooperation with other governments, especially the neighboring countries of Croatia, Serbia and Montenegro. BiH has signed bilateral agreements on cooperation in organized crime cases (including trafficking in persons) with the State Prosecutor's Offices of Croatia, Serbia, Montenegro and Macedonia. Unfortunately, BiH has no binding bilateral agreements regarding witness protection, which makes it more difficult to participate effectively in international investigations. BiH has an officer at the SECI Organized Crime Center in Bucharest and participates in Stability Pact training and meetings. BiH also participates in SEEPAG, the Southeastern Europe Prosecutors' Assistance Group.

¶24. (SBU) Question 29K: Extradition of non-citizens is permitted, but there were no extraditions of traffickers during the reporting period. The BiH Criminal Procedure Code prohibits the extradition of Bosnian citizens. However, the State Prosecutor can bring cases against Bosnian citizens for crimes committed outside Bosnian territory. There are currently no efforts underway to modify laws to permit the extradition of Bosnian nationals.

¶25. (SBU) Question 29L: Both entities' police forces have Police Standards Units (PSUs), which are charged with investigating and disciplining officers for criminal offenses or dereliction of duty. There were no prosecutions or convictions of government officials for involvement in trafficking during the reporting period. There continued to be anecdotal reports of police and other official involvement in trafficking, particularly at the local level. Victims, groups alleged that, because of strong local networks, local police often willfully ignored or actively protected consumers or perpetrators of trafficking activity, often accepting bribes in return.

¶26. (SBU) Question 29M: To date there have been only a few documented cases of official involvement in trafficking, and no official indictments have been made. In 2004 border police arrested a member of the RS interior ministry's elite special unit near Bijeljina while he was attempting to cross into the country from Serbia with two suspected trafficking victims in his car. Authorities immediately suspended him from duty and opened an investigation. The case was closed during the year

due to lack of evidence, and the police officer was reinstated. In 2005 authorities charged a State Border Service officer with abuse of office for placing a false stamp in the passport of a suspected trafficking victim; the case was ongoing at year's end.

¶27. (SBU) Question 29N: BiH does not have an identified child sex tourism problem, either as a source or destination country. The country's child sex abuse laws do not have extraterritorial provisions similar to the U.S. PROTECT ACT.

¶28. (SBU) Question 29O: BiH ratified ILO Convention 182 on October 5, 2001, ILO Convention 29 on June 2, 1993, and ILO Convention 105 on November 15, 2000. BiH also ratified The Optional Protocol to the Convention on the Rights of the Child (CRC) on the Sale of Children, Child Prostitution, and Child Pornography on September 4, 2002 and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the UN Convention Against Transnational Organized Crime on April 24, ¶2002.

PROTECTION AND ASSISTANCE TO VICTIMS:

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¶29. (SBU) Question 30A: Under a memorandum of understanding (MOU) signed in 2005, the State Coordinator delegates victim assistance to five local NGOs that provide shelter and medical (also psychological) assistance to TIP victims. The five NGOs (La Strada, Medica Zenica, Forum of Solidarity, Lara, and Zena BiH) run six shelters located in Mostar, Sarajevo, Banja Luka, Doboj, and Bijeljina. The State Coordinator's Office oversees shelter management and ensures that NGOs are meeting agreed-upon standards in providing victim assistance. The local NGO Vasa Prava provides pro bono legal assistance to victims housed in NGO shelters. Health care is provided either at the shelters by visiting medical professionals or at local clinics and hospitals. If people are identified as TIP victims through the government's screening and referral process, they are eligible for a humanitarian visa allowing them a legal temporary stay in BiH. Approximately 11 TIP victims received residence permits on humanitarian grounds during the reporting period. The IOM assists foreign victims who opt for voluntary repatriation. In addition, one local NGO has started a pilot reintegration program offering vocational training and counseling to domestic TIP victims. There are currently approximately 15 TIP victims residing in Bosnian shelters.

¶30. (SBU) Question 30B: Yes, the government provides assistance to the five NGOs who run shelters to help subsidize the cost of shelter operations. During the reporting period, the government disbursed approximately 50,000 KM (\$37,000) and plans to disburse another 50,000 KM (\$37,000) in the very near future. The State Coordinator's Office considers this an inadequate amount and notes that the cost of operating Bosnian shelters must be underwritten by international donors (namely the IOM) because the government lacks the resources to fund them independently.

¶31. (SBU) Question 30C: Yes, the government and NGOs have developed and signed a formal referral mechanism for screening, identifying and assisting foreign victims. Police and SBS officers use a screening questionnaire to assist them in evaluating victims. Alien Inspectors employed by the Ministry of Security have received formal training in victim identification procedures. The draft referral mechanism for domestic victims is awaiting final approval by the Council of Ministers.

¶32. (SBU) Question 30D: The Law on Movement and Stay of Aliens provides for the granting of a temporary humanitarian visa to TIP victims. If someone is arrested or detained and subsequently identified as a trafficking victim, he or she

receives shelter and related services and is eligible for protection from deportation and/or a humanitarian visa. Identified victims are not fined or charged with prostitution- or immigration-related offenses. The BiH Criminal Procedure Code allows detention for up to six hours for questioning. This limit is generally respected in practice. Police officials usually presume that detainees are TIP victims if there is any evidence to support this conclusion, and they are referred to shelters for additional evaluation. If individuals are not identified as TIP victims, they may be subject to deportation depending on their current status in BiH and whether they possess a valid visa. However, because Bosnia's immigration detention facility is still under construction, detainees under deportation orders are frequently released. In many instances, police lack the resources and personnel to execute deportation orders.

133. (SBU) Question 30E: Yes, the government encourages victim-witnesses to testify against their traffickers. At this time, about 20 to 30 percent of victims actually testify. A number of prosecutors have worked extensively with victims to develop cases. Prosecutors can offer victims protected status if they determine that a victim's safety is in jeopardy through the government's witness protection program. There have been at least six reported cases of TIP witnesses entering the program. Police protection and escort is usually provided to victim-witnesses. In some cases, in cooperation with foreign governments, victim-witnesses have been relocated to third countries following their testimony. Victims can file civil suits against their traffickers for medical expenses, lost wages, pain and suffering, etc. and are encouraged to do. Vasa Prava attorneys provide pro bono legal aid and shelter staff assist victims in filing these claims. Victims remaining in BiH on humanitarian visas or

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those who have applied for asylum are not permitted to work. Foreign victims can choose to be voluntarily repatriated at any time. There is currently no victim restitution program, although there is a victim's assistance fund supported by judgments against those convicted of trafficking. BiH is currently working to harmonize its immigration laws with EU standards. An inter-ministerial working group is currently drafting legislation which would extend the humanitarian visa from three to six months, and would allow humanitarian visa holders to work legally. The working group is also seeking ways to address potential abuse of the asylum process.

134. (SBU) Question 30F: In practice, the government provides assistance to victims through its agreement with five local NGOs and their shelters. In addition to food, clothing, and shelter, the NGOs also provide medical care, psychological counseling, legal advocacy, and sometimes vocational training. Minor victims may be placed in shelters, orphanages or BiH's very limited foster care program. There is no female juvenile detention center in BiH, but there is a new facility for male offenders who are minors. During the year USAID funded a thorough assessment of all local shelters. Recommendations from the assessment include: standardizing shelters through a national certification process, developing standards for different categories of victims, creating specialized shelters to accommodate victims on a thematic and not geographic basis, allocating funding for shelters based on the number of victims and developing a monitoring mechanism (with NGOs) to ensure the quality and extent of care provided in the shelters.

135. (SBU) Question 30G: Yes, the government has provided training in the recognition of TIP victims and in how to assist them. The government continues to train prosecutors, judges, police officials, and social workers on TIP issues. Specifically, the government has worked extensively with the local Centers for Social Work, who are responsible for assisting domestic victims, particularly minors. The government has also trained municipal court judges, who make guardianship and custody decisions about minor victims.

During the reporting period, the government continued to train its consular officials abroad to identify potential TIP victims applying for Bosnian visas. Officials at Bosnian embassies are encouraged to develop connections with local TIP NGOs, especially those like La Strada, World Learning and IOM, which are part of an international network. The MFA requires personal interviews for all visa applicants. Bosnian participants in international peacekeeping missions also receive specialized TIP awareness training before deployment. All members of incoming units to the EUFOR mission in Bosnia are required to attend a four-hour seminar on trafficking which stresses NATO's zero-tolerance policy for any involvement in TIP or prostitution.

136. (SBU) Question 30H: At this time, there are no specific government programs to assist its repatriated nationals, except those who are minors. However, repatriated TIP victims who identify themselves and seek assistance can receive the same services from local NGOs that are provided to foreign victims. The care and custody of minors is the responsibility of the Centers for Social Work, who report to the entity Ministries of Social Welfare. One local NGO has started a pilot program to provide counseling and vocational training to repatriated Bosnian TIP victims. USAID has also partnered with the International Centre for Migration Policy Development, the Bosnian government and ten other nations on a South Eastern Europe Project that will develop a standardized mechanism and operating procedures for repatriation across borders.

137. (SBU) Question 30I: The IOM is the only international organization that works directly with trafficking victims. IOM provides repatriation and reintegration assistance for foreign victims who choose to return to their countries of origin. The Office of the UN High Commissioner for Refugees (UNHCR) may have contact with victims who apply for asylum. The Office of the UN High Commissioner for Human Rights (UNHCHR) and UNICEF report on and monitor TIP issues. Key international organizations engaged in anti-TIP programs are USAID, the Swedish International Development Agency (SIDA), Save the Children Norway, Catholic Relief Services (CRS), World Learning, the Organization for Security and Cooperation in Europe (OSCE) and the Italian government. The main local NGOs working on trafficking are Lara in Bijeljina, La Strada and Zena BiH in Mostar, Buducnost in Modrica, Kljucki Biseri

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in Kljuc, Medica in Zenica and Forum of Solidarity in Sarajevo. Vasa Prava wrote a legal advocacy manual and provides legal aid for victims. Local NGOs and international organizations report excellent cooperation with the Office of the State Coordinator. This has been Post's experience as well. Funding for many programs are on the decline.

HEROES/BEST PRACTICES:

138. (SBU) Question 31/32: Post nominates the NGO "Vasa Prava" as a hero of best practices with antitrafficking efforts. Vasa Prava is the leading state-level non-governmental and non-profit organization assisting Bosnians with free, legal assistance related to all aspects of civil law and the protection of human rights. The organization runs 16 permanent offices and 50 mobile units staffed by 80 employees, and has assisted more than 400,000 Bosnians since its introduction in 1996. Among those served are refugees, displaced persons, returnees and other vulnerable groups in local populations.

Vasa Prava is the only NGO providing legal assistance to victims of trafficking in BiH. Through a memorandum of understanding signed with the Ministry of Security in 2004, Vasa Prava has exclusive authority over pro bono representation of trafficking victims in BiH. Attorneys from Vasa Prava are available to victims from the time they arrive at a shelter, even if they are not yet formally registered by

the state as a victim. For foreign victims, Vasa Prava works with the government to arrange all necessary residency permits or asylum applications. If a victim chooses to testify, Vasa Prava represents her from her first statement until trial completion.

Through their uniform approach and intermediary work between victim and government, Vasa Prava has also helped to strengthen the rule of law in BiH. Victims assisted by Vasa Prava are more likely to testify against traffickers in criminal proceedings and have provided testimony that was instrumental in convicting several notorious traffickers and organized criminals. Vasa Prava single-handedly performs an integral civic role that the Bosnian government, due to funding and logistical constraints, cannot fulfill. In doing so, it has provided a mechanism through which victims may successfully seek civil compensation for the crimes committed against them and has given a voice to those previously silenced.

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